



Legislative Bulletin.....July 21, 2003

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H.R. 23—Tornado Shelters Act (Bachus)

Order of Business: The bill is scheduled to be considered on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 23 would amend the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) to allow community development block grants (CDBGs) to be used to build tornado shelters in or near manufactured home parks consisting primarily of low- and moderate-income people and with 20 or more units in states where tornadoes have occurred in any of the three preceding fiscal years. The bill also authorizes loans and grants to nonprofit and for-profit entities (including the owners of the manufactured home parks) for the construction or improvement of tornado shelters. Shelters would have to meet federal standards of construction and safety, be big enough to fit all the residents of the housing park at one time, and be in a housing park that has or is located sufficiently near a tornado warning system.

The bill would authorize \$5.0 million for fiscal year 2004 (in addition to the funds already available for CDBGs).

Additional Background: A similar bill in the 107th Congress (H.R. 247) passed the House on March 22, 2001, by a vote of 401-6 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=61>). The six “no” votes came from Reps. Collins, Duncan, Flake, Paul, Shadegg, and Stump. The Senate never considered the bill.

NOTE: The bill from last Congress, as amended on the House floor, authorized one-year appropriations of \$50.0 million—ten times more than this year’s bill would authorize.

Committee Action: On May 7, 2003, the Subcommittee on Housing and Community Opportunity marked up and approved H.R. 23 by voice vote, as amended, for consideration by the full Financial Services Committee. On May 21, 2003, the full Committee marked up and favorably reported H.R. 23 to the full House by voice vote.

Cost to Taxpayers: CBO confirms that the legislation would authorize \$5.0 million for FY2004.

Does the Bill Create New Federal Programs or Rules?: The bill would expand the number of permissible uses for community development block grant (CDBG) funds.

Constitutional Authority: The Committee on Financial Services, in House Report 108-151, cites constitutional authority in Article 1, Section 8, Clause 1 (relating to the defense and general welfare of the United States), and Clause 3 (relating to the power to regulate foreign and interstate commerce).

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S.1280—To amend the PROTECT Act to clarify certain volunteer liability (As reported to House Judiciary) (Hatch)

Order of Business: The bill is scheduled to be considered on Monday, July 21, 2003, under a motion to suspend the rules and pass the bill.

Note: The bill modifies what some called the AMBER Alert law passed by the House as S. 151 (originally H.R. 1104) on April 10, 2003. See RSC legislative bulletin at <http://www.house.gov/burton/RSC/LB41003a.pdf>

Summary: The bill amends section 108 of the PROTECT Act (P.L. 108-21) to add a limitation on liability section for the National Center for Missing and Exploited Children (NCMEC) and its employees under the pilot programs established in the law.

“...[E]xcept upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages--

- arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;
- alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and
- alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.”

Committee Action: The bill passed the Senate on July 14, 2003 by unanimous consent and was referred to the House Judiciary Committee on July 15. The Committee does not appear to have considered the legislation.

Cost to Taxpayers: A CBO cost estimate is unavailable

Constitutional Authority: A Judiciary Committee report citing constitutional authority is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill removes most liability for the NCMEC as it operates under the pilot programs in the PROTECT act.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.R. 1437—To improve the United States Code (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1437 would make various technical changes to the United States Code (primarily to Public Law 107-217), effective retroactively to August 21, 2002. This legislation would make no substantive change to existing law.

Additional Background: Public Law 107-217 enacted Title 40 of the United States Code into positive law as "Public Buildings, Property, and Works" and made technical, conforming, and consolidating changes to existing laws.

Committee Action: On May 7, 2003, the House Judiciary Committee approved H.R. 1437 by voice vote and ordered it reported without amendment.

Cost to Taxpayers: CBO confirms that H.R. 1437 would have no cost to taxpayers.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The House Judiciary Committee, in House Report 108-103, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 2249—To amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service (McHugh)

Order of Business: The bill is scheduled to be considered on Monday, July 21, 2003, under a motion to suspend the rules and pass the bill.

Summary: The bill amends 39 U.S.C. chapter 10, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies (pay and benefits, etc.), schedules, and programs of the U.S. Postal Service. Under current law, postmasters and postmasters' organizations are not included in the planning and development consultation program for personnel not subject to collective-bargaining agreements (i.e. non-union personnel).

Committee Action: The resolution was introduced on May 22, 2003 and referred to the House Committee on Government Reform, which reported it favorably by voice vote on June 19, 2003.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Constitutional Authority: A Government Reform Committee report citing constitutional authority is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill amends current law to include postmasters and postmasters' organizations in current Postal Service programs.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.Res. 240—Expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers (*Davis of IL*)

Order of Business: The resolution is scheduled for consideration on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 240 expresses the sense of the House that:

“(1) there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and

“(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.”

Additional Background: According to the resolution, there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. In addition, the resolution states, “the establishment of a National Community Health Center Week for the week beginning on August 10, 2003, would raise awareness of the health services provided by these health centers.”

The FY 2004 Labor-HHS-Education appropriations bill, passed by the House on July 10, provides \$1.627 billion for community health centers.

Committee Action: H.Res. 240 was introduced on May 19 and referred to the Committee on Government Reform. The Committee passed the resolution by voice vote on June 19.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Con.Res. 230—Honoring the 10 communities selected to receive the 2003 All-America City Award (*Hayes*)

Order of Business: The resolution is scheduled to be considered on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 230 would resolve that Congress honors the cities of:

- Laurinburg, North Carolina;

- Tempe, Arizona;
 - New Haven, Connecticut;
 - Miami Beach, Florida;
 - Des Moines, Iowa;
 - Marquette County, Michigan;
 - Wilson, North Carolina;
 - South Sioux City, Nebraska;
 - Corpus Christi, Texas; and
 - the Greater Racine Area, Wisconsin,
- for receiving the National Civic League 2003 All-America City Award.

Additional Background: According to the National Civic League’s website, “The National Civic League, the United States' oldest organization advocating for the issues of community democracy, envisions a country where citizens are actively engaged in the process of self-governance and work in partnership with the public, private and non-profit sectors of society, and where citizens are creating active civic culture reflective of the diversity of community voices.... NCL accomplishes its mission through technical assistance, training, publishing, research, and the All-America City Awards, the nation's oldest and most prestigious community recognition program.... For over 53 years the All-America City Award has encouraged and recognized civic excellence, honoring communities of all sizes (cities, towns, counties, neighborhoods and regions) in which community members, government, businesses and non-profit organizations work together to address critical local issues.”

The Fannie Mae Foundation is a sponsor of the Award.

<http://www.ncl.org/about/press/2003/0614.htm>

To see a map of the winning communities and the runners-up, visit this website:

http://www.ncl.org/aac/2003/map_index.html

The National Civic League, founded in 1894, is based in Denver, CO. Its homepage is:

<http://www.ncl.org/>

According to <http://www.guidestar.org/>, the National Civic League received \$101,323 in government grants in 2001 (which was 6.3% of its total revenue in 2001).

Committee Action: On July 10, 2003, the House Committee on Government Reform marked up and favorably reported the resolution by voice vote to the full House.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1399—William J. Scherle Post Office Building Redesignation Act (*Senator Harkin*)

Order of Business: The bill is scheduled to be considered on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: S. 1399 would redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, and currently known as the Glenwood Main Office, as the “William J. Scherle Post Office Building.”

Additional Background: William J. Scherle was a Republican congressman from Iowa from 1967 to 1975.

Committee Action: The Senate passed the bill by unanimous consent on July 17, 2003. The bill was then referred to the House Committee on Government Reform but was not considered by the House committee.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 2328—Robert A. Borski Post Office Building Designation Act (*Hoefel*)

Order of Business: The bill is scheduled to be considered on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2328 would designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the “Robert A. Borski Post Office Building.”

Additional Background: Robert A. Borski is a former Democrat congressman from Philadelphia (served from 1983-2003).

Committee Action: On June 19, 2003, the House Committee on Government Reform marked up and favorably reported this legislation by voice vote.

Cost to Taxpayers: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Con.Res. 212— Recognizing and supporting the goals and ideals of the Year of the Korean War Veteran (Sam Johnson)

Order of Business: The resolution is scheduled for consideration on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 212 resolves that Congress:

“1) declares to the Nation and the world that the American people will never forget our veterans or those who served our Nation on the home front during the Korean War;

“2) recognizes and supports the goals and ideals of the Year of the Korean War Veteran;

“3) requests the President to issue a proclamation calling on the people of the United States to observe the Year of the Korean War Veteran with appropriate ceremonies and activities to thank, honor, and welcome home our Korean War veterans; and

“4) urges the chief executive officers of the States, and the chief executive officers of the political subdivisions of the States, to each issue a proclamation calling upon their citizens to ‘Pause to Remember’ our Korean War veterans and their families and next of kin with appropriate ceremonies and activities.”

Additional Background: According to the resolution, 2003 marks the final year of the United States' 50th Anniversary of the Korean War Commemoration and the 50th year of the Armistice, and efforts are under way to designate 2003 as the Year of the Korean War Veteran.

Committee Action: The resolution was introduced on June 9 and referred to the Committee on Veteran’s Affairs. The Committee did not consider the resolution.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 2357—Veterans Health Care Improvement Act of 2003 (Brown-Waite)

Order of Business: The bill is scheduled for consideration on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2357 makes the following changes to veterans health care programs:

- Authorizes the Secretary of Veterans Affairs (VA) to appoint chiropractors to the Veterans Health Administration (VHA). Chiropractors must hold a degree of doctor of chiropractic (or its equivalent) and must be licensed to practice in a state.
- Authorizes the VA to provide hospital and nursing home care and other medical services to Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines “New Scout” veterans who permanently reside in the United States. This provision does not take effect until the Secretary certifies to Congress and notifies the public that resources are sufficient at the VA facilities where the majority of Filipino veterans are authorized to receive care.

Additional Background: The VA is currently required to make chiropractic care available to veterans in each geographic service area at one site, at a minimum. The VA has stated it lacks authority to appoint chiropractors to fulfill this requirement.

Legislation with provisions similar to H.R. 2357 with regard to Filipino veterans passed the House in the 107th Congress. H.R. 3645 passed by voice vote on July 22, 2002.

Committee Action: H.R. 2357 was introduced on June 5 and referred to the Committee on Veteran’s Affairs. The Committee reported the bill by voice vote on June 26.

Cost to Taxpayers: CBO estimates that the will cost \$7 million in 2004 and \$61 million over the 2004-2008 period.

Does the Bill Create New Federal Programs or Rules?: Yes, as described above.

Constitutional Authority: The Veteran’s Affairs Committee, in House Report 108-198, cites Article I, Section 8 and the “common Defense and general Welfare” clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 1516—National Cemetery Expansion Act of 2003 (Gerlach)

Order of Business: The bill is scheduled for consideration on Monday, July 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1516 requires the Secretary of Veterans Affairs to establish five new national cemeteries within four years of the date of the bill's enactment. The cemeteries are to be located in the following areas: southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville/Columbia, South Carolina. The Secretary is directed to use Advanced Planning Funds to establish the new cemeteries. The Secretary must also submit an annual report to Congress on progress until the new cemeteries are completed and opened.

Committee Action: H.R. 1516, requiring the establishment of a national cemetery in southeastern Pennsylvania, was introduced on March 31 and referred to the Committee on Veteran's Affairs. The Committee considered the bill on June 26 and amended it to include the establishment of four additional national cemeteries. The Committee approved the bill, as amended, by voice vote.

Administration Position: Testimony before the House Committee on Veteran's Affairs by a representative of the VA stated that the VA "supports the concept of H.R. 1516." However, this testimony was given when the bill was limited only to the establishment of a national cemetery in southeastern Pennsylvania.

Cost to Taxpayers: CBO estimates that the bill (as amended) will cost \$9 million in 2004 and \$78 million over the 2004-2008 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill requires the establishment of five new national cemeteries.

Constitutional Authority: The Veteran's Affairs Committee, in House Report 108-199, cites Article I, Section 8 and the "common Defense and general Welfare" clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

Van Hollen Motion to Instruct Conferees on H.R. 1308—the All-American Tax Relief Act

Order of Business: Rep. Van Hollen (D-MD) offered this motion to instruct conferees on Friday, July 18th, and the House debated the motion for about 40 minutes. At the conclusion of debate, the Chair put the question on the motion and announced that the no's had prevailed by voice vote. Rep. Van Hollen asked for a recorded vote, which was postponed until today.

Text of Motion: The text of the Van Hollen motion is as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.
2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.
3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.
4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the *Columbia* disaster.
5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Additional Background: Substantively identical motions to instruct failed on three separate occasions last week:

DeLauro Motion, July 16th: 206-220

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=370>

Michaud Motion, July 17th: 202-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=390>

Bell Motion, July 18th: 188-201

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=396>

To view the RSC Legislative Bulletin on H.R. 1308, as it was considered in the House, go to this webpage: <http://www.house.gov/burton/RSC/LB61203A.pdf>

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718
